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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **OAKLAND DIVISION**

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11 CALIFORNIA RESTAURANT
ASSOCIATION,

12 Plaintiff,

13 v.

14 THE CITY AND COUNTY OF SAN
FRANCISCO and THE SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH,

15 Defendants.
16 _____

17 CALIFORNIA RESTAURANT
ASSOCIATION,

18 Plaintiff,

19 v.

20 THE COUNTY OF SANTA CLARA and
THE SANTA CLARA COUNTY PUBLIC
HEALTH DEPARTMENT,

21 Defendants.
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Case No. CV-08-03247 (CW), and
Case No. CV-08-03685 (CW)

**ORDER RESCHEDULING HEARING
ON PLAINTIFF'S MOTIONS FOR
DECLARATORY RELIEF AND
PRELIMINARY INJUNCTION AND
STAYING ENFORCEMENT OF SANTA
CLARA COUNTY ORDINANCE**

The Honorable Claudia Wilken

Complaints filed: July 3 and July 22, 2008,
respectively

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2 WHEREAS, on August 20, 2008, the Court ordered that the hearing Plaintiff's Motions
3 for Declaratory Relief and a Preliminary Injunction ("Motions") in each of the related actions
4 take place on August 28, 2008 at 2:00 p.m.;

5 WHEREAS there is a bill currently pending in the California Legislature, Senate Bill
6 1420, the enactment of which may affect the need for a hearing on Plaintiff's Motions;

7 WHEREAS, the California Legislature must act on Senate Bill 1420 by August 31, 2008;
8 and

9 WHEREAS Defendants The County of Santa Clara and the Santa Clara County Public
10 Health Department have agreed, as stated in their August 25, 2008 letter to the Court, to
11 postpone enforcement provisions (i.e., no fines or penalties will be imposed) of Ordinance No.
12 NS-300.793 amending Division A18 of the Santa Clara County Ordinance Code (the
13 "Ordinance");

14 NOW, THEREFORE, **IT IS HEREBY ORDERED:**

- 15 1. The hearing on Plaintiff's Motions in the related actions shall take place on
16 **September 11, 2008 at 2:00 p.m.** The hearing presently scheduled for August 28,
17 2008 at 2:00 p.m. is hereby vacated.
- 18 2. Enforcement of fines and penalties under the Ordinance shall be stayed until
19 October 14, 2008 without prejudice as to Plaintiff's right to seek a further stay
20 and the right of Defendants in Case No. CV-08-03685 to oppose any further stay.

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22 IT IS SO ORDERED:

23 8/26/08

24 DATED: _____



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27 UNITED STATES DISTRICT COURT JUDGE

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